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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,861	08/18/2006	Takayuki Nyu	P/2054-139	2098

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
MAPA, MICHAEL Y	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,861	NYU, TAKAYUKI	
	Examiner	Art Unit	
	Michael Mapa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 43, 45 – 46, 54 – 55, 57, 68 – 70 have been amended.

Claims: 36 – 42, 44, 47 – 53, 56, 58 – 67 have not been amended.

With regards to the 112 rejections on the previous office action, the applicant has amended to overcome the 112 rejections; therefore the examiner withdraws the 112 rejections from the previous office action.

With regards to the 101 rejections on the previous office action, the applicant has amended the claims to overcome the 101 rejections; therefore the examiner withdraws the 101 rejections from the previous office action.

Response to Arguments

2. Applicant's arguments filed 03/02/09 have been fully considered but they are not persuasive.

The applicant argues features wherein a wireless communication system including a base station having a specific identifier that is different in each wireless base station including an unjust wireless station detecting means for detecting the existence

of an unjust wireless station based upon said specific identifier to be included in a wireless frame, which reads upon Wu in view of Barber as follows:

Wu discloses a wireless communication system having a wireless base station checking a new wireless station if it is an “unjust wireless station" by checking that the new wireless station has the correct SSID, WEP and pre-registered MAC address (Paragraphs [0049] & [0051] of Wu). Although Wu fails to explicitly recite “the specific identifier different in each wireless base station, to be included in a wireless frame.” One of ordinary skill in the art would recognize that the pre-registered MAC address as taught by Wu, to be the MAC address of the base station or the BSSID as can be seen in Barber. Barber discloses transmitting a broadcast frame and using a BSSID which is the MAC address of the access point, therefore it is sending a specific identifier different in each base station / access point (Column 17, Lines 21 – 30 of Barber).

Therefore, the argued limitations read upon the cited references or are written broad such that it reads upon the cited references, as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 36-42, 44, 46-54, 56, 58-63, and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US Patent Publication 2003/0200455 herein after referenced as Wu) in view of Barber et al. (US Patent 7382756 herein after referenced as Barber).

Regarding claim 36, Wu discloses "A wireless communication system including an administration-object wireless base station having a specific identifier, characterized in including an unjust wireless station detecting means for, based upon said specific identifier detecting existence of an unjust wireless station" (Paragraph [0049] & [0051] of Wu, wherein Wu discloses a wireless network checking the new wireless station if it has a correct SSID, WEP and pre-registered MAC address, therefore if new wireless station does not have the correct SSID, WEP and MAC address then it is an unjust wireless station).

Wu fails to explicitly recite "specific identifier that is different in each wireless base station" and "specific identifier to be included in a wireless frame".

In a related field of endeavor Barber discloses "specific identifier that is different in each wireless base station" and "specific identifier to be included in a wireless frame" (Column 17, Lines 21-30, wherein Barber discloses an access point transmitting a broadcast frame and using a BSSID (Basic Service Set Identifier) which is typically the MAC address of the access point.)

Therefore it would have been obvious for one of ordinary skill in the art to combine the invention of Wu with the teachings of Barber to increase security and marketability by conforming with commonly used methods of communication.

Regarding claim 37, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means includes: a comparing means for comparing said specific identifier with a pre-registered specific identifier; and
a means for determining said unjust wireless station based upon this comparison result" (Paragraph [0051] of Wu).

Regarding claim 38, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that, when a group of a wireless communication terminal and a wireless base station each of which communicates with the other is assumed to be a basic service set, said specific identifier is an identifier (BSS identifier) for identifying this basic service set" (Paragraph [0051] of Wu & Column 17, Lines 28-29 of Barber).

Regarding claim 39, Wu in view of Barber discloses "The wireless communication system according to claim 38, characterized in that said unjust wireless station detecting means further includes a means for determining a classification of said unjust wireless station from said BSS identifier" (Paragraph [0066] – [0067] of Wu, wherein Wu discloses checking whether the wireless station is legal or illegal).

Regarding claim 40, Wu in view of Barber discloses "The wireless communication system according to claim 38, characterized in that said unjust wireless

station detecting means further includes a means for determining a producer of said unjust wireless station from said BSS identifier" (Paragraph [0066] of Wu, wherein Wu discloses requesting for the computer name of the wireless station).

Regarding claim 41, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: including an administration-object wireless base station having a means for acquiring a wireless frame to obtain said specific identifier, said administration-object wireless base station being administered by a system; and that said unjust wireless station detecting means further includes a means for obtaining said specific identifier from said administration-object wireless base station" (Paragraph [0051] of Wu, wherein Wu discloses a comparison is done between the identifier from the wireless station and the base station, therefore obtaining identifier from said administration-object wireless base station).

Regarding claim 42, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: including an administration-object wireless communication terminal having a means for acquiring a wireless frame to obtain said specific identifier, said administration-object wireless communication terminal being administered by a system; and
that said unjust wireless station detecting means further includes a means for obtaining said specific identifier from said administration-object wireless communication terminal" (Paragraph [0051] of Wu, wherein Wu discloses a comparison is done between the

identifier from the wireless station and the base station, therefore obtaining identifier from said administration-object wireless communication terminal).

Regarding claim 44, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in: further including a switching apparatus; that said unjust wireless station detecting means further includes a means for detecting an address of the unjust wireless communication terminal connected to said unjust wireless station to notify said address to the said switching apparatus; and that said switching apparatus includes a means for scrapping the wireless frame including said address" (Paragraph [0066]-[0067] of Wu, wherein Wu discloses the NMC having the MAC and IP address of the newly joined wireless station, determining if it is in a list of legal users and if not instructing the wireless base station to turn down service to the illegal user and log off all the traffic of that illegal wireless station).

Regarding claim 46, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for taking a control so as to incapacitate an unjust wireless communication terminal connected to said administration-object wireless base station from communicating" (Paragraph [0067] of Wu).

Regarding claim 47, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that: said unjust wireless station detecting means further includes a means for notifying an identifier (SS

identifier) for identifying a service set of said unjust wireless station acquired from said wireless frame to the administration-object wireless base station around said unjust wireless station; and the administration-object wireless base station receiving a notification of said SS identifier includes a means for, in a case of having received a wireless frame from the wireless communication terminal having made a connection by using an identical value to that of said SS identifier, scrapping this wireless frame" (Paragraph [0067] of Wu).

Regarding claim 48, Wu in view of Barber discloses "An operation administering apparatus in a wireless communication system" (Paragraph [0067] of Wu). Wu in view of Barber discloses "including an administration-object wireless base station having a specific identifier that is different in each wireless base station, characterized in including an unjust wireless station detecting means for, based upon the specific identifier to be included in a wireless frame, detecting existence of an unjust wireless station" (See claim 36).

Regarding claim 49, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 49 with the same arguments provided above (See claim 37).

Regarding claim 50, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 50 with the same arguments provided above (See claim 38).

Regarding claim 51, Wu in view of Barber discloses “The operation administering apparatus according to claim 50”. The examiner further rejects claim 51 with the same arguments provided above (See claim 39).

Regarding claim 52, Wu in view of Barber discloses “The operation administering apparatus according to claim 50”. The examiner further rejects claim 52 with the same arguments provided above (See claim 40).

Regarding claim 53, Wu in view of Barber discloses “The operation administering apparatus according to claim 48”. The examiner further rejects claim 53 with the same arguments provided above (See claim 41).

Regarding claim 54, Wu in view of Barber discloses “The operation administering apparatus according to claim 48”. The examiner further rejects claim 54 with the same arguments provided above (See claim 42).

Regarding claim 56, Wu in view of Barber discloses “The operation administering apparatus according to claim 48”. The examiner further rejects claim 56 with the same arguments provided above (See claim 44).

Regarding claim 58, Wu in view of Barber discloses “The operation administering apparatus according to claim 48”. The examiner further rejects claim 58 with the same arguments provided above (See claim 46).

Regarding claim 59, Wu in view of Barber discloses “The operation administering apparatus according to claim 48”. The examiner further rejects claim 59 with the same arguments provided above (See claim 47).

Regarding claim 60, Wu in view of Barber discloses "A wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation administering apparatus for making an operational administration for a system, characterized in including: a means for acquiring said specific identifier from a wireless frame; and
a means for notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station (See claim 36).

Regarding claim 61, Wu in view of Barber discloses "The wireless base station according to claim 60". The examiner further rejects claim 61 with the same arguments provided above (See claim 46).

Regarding claim 62, Wu in view of Barber discloses "The wireless base station according to claim 60". The examiner further rejects claim 62 with the same arguments provided above (See claim 47).

Regarding claim 63, Wu in view of Barber discloses "A wireless communication terminal in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operation administering apparatus for making an operational administration for a system, characterized in including:
a means for acquiring said specific identifier from a wireless frame; and
a means for notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 36).

Regarding claim 65, Wu in view of Barber discloses "An unjust wireless station

detection method in a wireless communication system including an administration-object wireless base station having a specific identifier, characterized in including a step of detecting existence of an unjust wireless station based upon the specific identifier to be included in a wireless frame" (See claim 36).

Regarding claim 66, Wu in view of Barber discloses "An operational control method of a wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation administering apparatus for making an operational administration for a system, characterized in including the steps of:
acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 60).

Regarding claim 67, Wu in view of Barber discloses "An operational control method of a wireless communication terminal in a wireless communication system including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operational administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 63).

Regarding claim 68, Wu in view of Barber discloses "an unjust wireless station detection method in a wireless communication system including an administration-

object wireless base station having a specific identifier that is different in each wireless base station, characterized in including a step of detecting existence of an unjust wireless station based upon the specific identifier to be included in a wireless frame" (See claim 36). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is needed for executing said method in a communication system.

Regarding claim 69, Wu in view of Barber discloses "an operational control method of a wireless base station in a wireless communication system including an administration-object wireless base station having a specific identifier and an operation administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operation administering apparatus in order to detect existence of the unjust wireless station" (See claim 66). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is needed for executing said operational control method in a base station.

. Regarding claim 70, Wu in view of Barber discloses "an operational control method of a wireless communication terminal in a wireless communication system

including an administration-object wireless base station having a specific identifier that is different in each wireless base station and an operation administering apparatus for making an operational administration for a system, characterized in including the steps of: acquiring said specific identifier from a wireless frame; and notifying said specific identifier to said operational administering apparatus in order to detect existence of the unjust wireless station" (See claim 67). Wu in view of Barber fails to explicitly recite "A program storage device readable by a computer and operable to cause the computer to execute said unjust wireless station detection method". However, the examiner maintains that it is commonly known in the art that a program storage device to store the program is needed for executing said operational control method in a wireless communication terminal.

5. Claims 43, 45, 55, 57 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US Patent Publication 2003/0200455 herein after referenced as Wu) in view of Barber et al. (US Patent 7382756 herein after referenced as Barber) and further in view of Billhartz (US Patent Publication 2004/0028001 herein after referenced as Billhartz).

Regarding claim 43, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for notifying the effect that utilization of said unjust wireless station is prohibited" (Paragraph [0067] of Wu.)

Wu in view of Barber fails to explicitly recite "notifying the effect that utilization of said unjust wireless station is prohibited to an administration-object wireless communication terminal connected to said unjust wireless station".

In a related field of endeavor, Billhartz discloses "notifying the effect that utilization of said unjust wireless station is prohibited to an administration-object wireless communication terminal connected to said unjust wireless station" (Paragraph [0072] of Billhartz, wherein Billhartz discloses an intrusion alert may be generated and transmitted to one or more stations in the network).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wu in view of Barber to incorporate the teachings of Billhartz for the purpose of increasing network security by providing an intrusion alert to all stations in the network to prevent an unjust wireless station from communicating within the network.

Regarding claim 45, Wu in view of Barber discloses "The wireless communication system according to claim 36, characterized in that said unjust wireless station detecting means further includes a means for notifying said unjust wireless communication terminal to said administration-object wireless base station" (Paragraph [0067] of Wu).

Wu in view of Barber fails to explicitly recite "and further, for notifying said unjust wireless station to the administration-object wireless communication terminal connected to said administration-object wireless base station".

In a related field of endeavor, Billhartz discloses "and further, for notifying said unjust wireless station to an administration-object wireless communication terminal connected to said administration-object wireless base station" (Paragraph [0072] of Billhartz, wherein Billhartz discloses an intrusion alert may be generated and transmitted to one or more stations in the network).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wu in view of Barber to incorporate the teachings of Billhartz for the purpose of increasing network security by providing an intrusion alert to all stations in the network to prevent an unjust wireless station from communicating within the network.

Regarding claim 55, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 55 with the same arguments provided above (See claim 43).

Regarding claim 57, Wu in view of Barber discloses "The operation administering apparatus according to claim 48". The examiner further rejects claim 57 with the same arguments provided above (See claim 45).

Regarding claim 64, Wu in view of Barber discloses "The wireless communication terminal according to claim 63." The examiner further rejects claim 64 with the same arguments provided above (See claim 43).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617

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